

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SECURITIES	AND	EXCHANGE	§	
COMMISSION;			§	
	Plaintiff;		§	
v.			§	CIVIL ACTION NO. 4:08-CV-02351
			§	
ROBERT L. SONFIELD, et al.;			§	
Defendants.			§	

**DEFENDANT ROBERT L. SONFIELD, JR.'S OPPOSITION TO PLAINTIFF'S
MOTION FOR ENTRY OF SCHEDULING ORDER AND TRIAL SETTING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant Robert L. Sonfield, Jr. ("Sonfield") and files his Opposition to Plaintiff's Motion for Entry of Scheduling Order and Trial Setting, and in support thereof would respectfully show the Court as follows:

1. When the Court cancelled the original scheduling order, it did so, at least in part, in an effort to minimize the cost of potentially unnecessary discovery. [Doc. Nos. 27, 54].

2. After soliciting input from the parties, the Court entered scheduling orders providing for the SEC, Sonfield and Landess to cross-move for summary judgment by a date certain. [Doc. Nos. 90, 94, 97]. Pursuant to these orders, the SEC, Sonfield and Landess filed their motions for summary judgment. Extensive briefing, responses, replies and other materials were submitted by the parties in connection with the motions, and the motions are presently under consideration by the Court.

3. The SEC now asks the Court to enter a comprehensive scheduling order setting various deadlines for expert designations, discovery, further motions and pleading amendments, and setting the case for trial. [Doc. No. 136].

4. Sonfield opposes the SEC's request. As the SEC admits, the Court's decisions on the pending motions for summary judgment "may significantly narrow the scope of any remaining litigation." [Doc. No. 136 at ¶ 7]. Thus, entry of the requested scheduling order would require Sonfield to incur substantial and burdensome attorney's fees and costs of defense with respect to matters that may become moot or unnecessary. Such an order would defeat the purpose in cancelling the original scheduling order and proceeding by summary judgment. Although the SEC asserts there is "good cause" for its request, no reason to change course at this time is stated.

WHEREFORE, PREMISES CONSIDERED, Defendant Robert L. Sonfield, Jr. prays that the SEC's Motion for Entry of Scheduling Order and Trial Setting be denied; and that Sonfield have such other and further relief, both general and special, legal and equitable, to which he may show himself justly entitled.

Respectfully submitted,

/s/ Robert M. Corn

Robert M. Corn

Southern District Bar No. 2064

State Bar of Texas No. 04828600

ATTORNEY-IN-CHARGE FOR DEFENDANT
ROBERT L. SONFIELD, JR.

2000 The Lyric Centre

440 Louisiana Street

Houston, Texas 77002-1636

Telephone: 713-229-0055

Facsimile: 713-229-0057

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2013, a true and correct copy of the above and foregoing was served in compliance with the Federal Rules of Civil Procedure upon the following:

Via S.D. Tex. CM/ECF

David B. Reece
Securities and Exchange Commission
Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, Texas 76102-6882

Via S.D. Tex. CM/ECF

John R. Fahy
Whitaker, Chalk, Swindle & Sawyer LLP
301 Commerce St., Suite 3500
Fort Worth, Texas 76102

/s/ Robert M. Corn

Robert M. Corn

036.001/2013-07-17 Sonfield's Resp to SEC's Mtn for sched ord & trial setting.doc